

6788. Adulteration and misbranding of oil of birch. U. S. * * * v. S 50-pound Cans of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9261. I. S. No. 13716-r. S. No. E-1088.)

On August 20, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 8 50-pound cans of oil of birch, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about July 8, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dickinson's Oil Betula Lenta Sweet Birch."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of the investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article considered as a drug was alleged for the reason that it was an imitation of, and offered for sale under the name of, another article. Misbranding of the article considered as a food was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and in that the statements, "Dickinson's Oil Betula Lenta Sweet Birch," and "Oil Birch," were false and misleading, and deceived and misled the purchaser.

On October 11, 1918, E. R. Squibbs & Sons, Brooklyn, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

J. R. Riggs, Acting Secretary of Agriculture.

6789. Adulteration of beans in pods. U. S. * * * v. 1871 Cases of Beans in Pods. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9263. I. S. No. 5705-r. S. No. C-959.)

On August 17, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1871 cases, each containing 24 cans of beans in pods, at Chicago, Ill., alleging that the article had been shipped on June 13, 1918, and June 22, 1918, by the Contadina Canning Co., San Jose, Cal., transported

from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed, filthy, and putrid vegetable substance.

On May 5, 1919, Antonio Morici, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be separated under the supervision of a representative of this department, and that such portion known in the trade as "swells," and "springers," and such portion as was found in rusty cans, and such cans as were found punctured to allow the escape of gas and resealed, should be destroyed by the United States marshal, and that the remaining portion should be released to said claimant.

J. R. Riggs, Acting Secretary of Agriculture.

6790. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Gallons of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 9264. I. S. No. 13708-r. S. No. E-1089.)

On August 16, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 gallons of olive oil, so called, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about June 22, 1918, by Lyriotakis Bros., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Qualita Superiore Olio Tripolitania Puro."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the product purporting to be olive oil.

Misbranding of the article was alleged in substance for the reason that the statements borne on the labels of the cans were false and misleading, that is to say said labels bore certain designs and statements intended to be of such a character as to induce the purchaser to believe that the product was Italian olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be of foreign origin, when, in truth and fact, it was of domestic origin; and for the further reason that the label on the cans bore the words, "One Gallon Net," whereas there was a shortage in each purported gallon.

On September 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, or destroyed if he was unable to effect a speedy sale of the same.

J. R. Riggs, Acting Secretary of Agriculture.